

FILED IN OFFICE
CLERK OF STATE COURT
DOUGLAS COUNTY, GEORGIA
23SV00478
BRIAN K. FORTNER
MAY 05, 2023 04:23 PM

IN THE STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

JODY SMITH, Plaintiff, v. ALVIN B. PARKER and PREMIER, LLC, Defendants.	CIVIL ACTION FILE NO:
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Annetta D. Stenbridge
Annetta D. Stenbridge, Clerk
Douglas County, Georgia

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, JODY SMITH, and states his complaint against Defendants herein as follows:

1.

The Plaintiff JODY SMITH is a resident of the State of Georgia.

2.

Defendant ALVIN B. PARKER is a citizen and resident of the State of Alabama, whose last known residence is: 251 Clark Creek Road, Apt. 191, Hamilton, Alabama. Defendant ALVIN B. PARKER is subject to the jurisdiction of this Court pursuant to the Georgia Long Arm Statute, O.C.G.A. § 9-10-91, and may be served by issuing Summons and a second original of this Complaint to him at his address of: 251 Clark Creek Road, Apt. 191, Hamilton, Alabama. Service on Defendant ALVIN B. PARKER may also be perfected through the Georgia Secretary of State pursuant to the Georgia Non-Resident Motorist Act, O.C.G.A. § 40-12-2.

3.

Defendant ALVIN B. PARKER is subject to the jurisdiction of this Court.

4.

Venue as to Defendant ALVIN B. PARKER is proper in the State Court of Douglas County, Georgia.

5.

The State Court of Douglas County has jurisdiction over the subject matter of the above-styled action.

6.

Defendant, PREMIER, LLC is authorized to do business in the State of Georgia with its principal place of business located at: 1871 Bexar Avenue East, Hamilton, Alabama. Defendant PREMIER, LLC is subject to the jurisdiction of this Court and may be served by issuing Summons and a second original of this Complaint to its registered agent: Dwight Lamb, 4234 State Highway 17, Hamilton, Alabama 35570.

7.

Defendant PREMIER, LLC is subject to the jurisdiction of this Court.

8.

The State Court of Douglas County has jurisdiction over the subject matter of the above-styled action.

9.

Defendants ALVIN B. PARKER and PREMIER, LLC are joint tortfeasors and as such, venue as to all Defendants is proper in State Court of Douglas County, Georgia, pursuant to O.C.G.A. § 40-12-3.

10.

On February 14, 2023, Plaintiff JODY SMITH was operating a 2018 Ford Transit and was traveling West on I-20 exiting onto State Route 6 in Douglas County, Georgia.

11.

At or about that same time, Defendant ALVIN B. PARKER was operating a 2015 Freightliner M2 106 and was traveling West on I-20 exiting onto State Route 6 in Douglas County, Georgia, and was positioned directly behind the Plaintiff's vehicle, when he followed too closely and struck the rear of Plaintiff's vehicle.

12.

At all relevant times, Defendant ALVIN B. PARKER owed certain civil duties to Plaintiff JODY SMITH, and, notwithstanding those duties, the Defendant violated them in the following particulars:

- a. In failing to make reasonable and proper observations while operating his commercial vehicle or, if reasonable and proper observations were made, failing to act thereon;
- b. In following the Plaintiff's vehicle too closely in violation of O.C.G.A. § 40-6-49;
- c. In failing to make timely and proper application of his brakes in violation of O.C.G.A. § 40-6-241;
- d. In failing to observe or undertake the necessary precautions to keep his commercial vehicle from causing the collision with Plaintiff's vehicle in violation of O.C.G.A § 40-6-390;

- e. In operating his commercial vehicle without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241, namely the Plaintiff herein;
- f. In operating his commercial vehicle in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and,
- g. In committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

13.

Defendant ALVIN B. PARKER's violations of the aforementioned statutory duties of care constitute negligence and negligence *per se*.

14.

As a direct and proximate result of the aforesaid negligence and breaches of duty by Defendant ALVIN B. PARKER, Plaintiff, JODY SMITH, suffered substantial injuries and damages including medical and other necessary expenses, mental and physical pain and suffering due to the injuries to his body, musculoskeletal and nervous system, personal inconvenience, plus an inability to lead a normal life. As a result of the subject collision, Plaintiff, JODY SMITH's medical treatment is ongoing and he has incurred past medical expenses and future medical expenses in an amount to be determined.

15.

At all relevant times, Defendant ALVIN B. PARKER, was an agent of Defendant PREMIER, LLC and was operating the 2015 Freightliner M2 106 within the course and scope of his employment with Defendant PREMIER, LLC at the time of the subject collision with

Plaintiff's vehicle.

16.

Defendant PREMIER, LLC is liable for the acts and omissions of Defendant ALVIN B. PARKER as Defendant PREMIER, LLC's agent and/or employee at the time of the collision-in-suit, under the theory of respondeat superior.

17.

As a direct and proximate result of the aforesaid negligence and breaches of duty by Defendant PREMIER, LLC, Plaintiff has suffered significant injuries, medical expenses and damages. These damages include emotional distress, personal inconvenience, mental and physical pain and suffering and loss of enjoyment of life due to the violence of the collision and injuries to Plaintiff's body, musculoskeletal and nervous system, plus an inability to lead a normal life. As a result of the subject collision, Plaintiff's medical treatment is ongoing and he has incurred past medical expenses and future medical expenses in an amount to be determined.

. WHEREFORE, Plaintiff respectfully prays and demands as follows:

- (a) That Process and Summons issue, as provided by law, requiring Defendants to appear and answer Plaintiff's Complaint;
- (b) That service be had upon Defendants as provided by law;
- (c) That Plaintiff have and recover general damages from such Defendants, as the jury deems are liable to Plaintiff, and in such an amount as the jury deems just and appropriate to fully and completely compensate Plaintiff for all of his injuries and pain and suffering, mental, physical, and emotional, past, present, and future;
- (d) That Plaintiff have and recover from Defendants, special damages for past and future medical expenses and loss of income in the past and future in such an amount as shall

be proven at trial;

(e) That this matter be tried to a jury;

(f) That all costs be cast against the Defendants;

(g) For such other and further relief as this Court deems just and appropriate.

This 5th day of May, 2023.

Respectfully submitted,

/s/TREVOR BECTON
TREVOR BECTON
Georgia Bar No. 211947
Attorney for Plaintiff

MORGAN & MORGAN ATLANTA, PLLC
178 S. Main Street, Unit 300
Alpharetta, GA 30009
Telephone: (770)799-2738
tbecton@forthepeople.com

**STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 23SY00478

SMITH, JODY

PLAINTIFF

VS.

PREMIER, LLC
PARKER, ALVIN B.

DEFENDANTS

SUMMONS

TO: PARKER, ALVIN B.

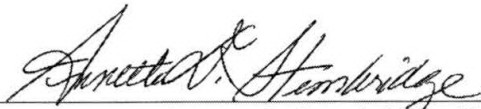
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Trevor Becton
MORGAN AND MORGAN ATLANTA PLLC
178 S Main Street
Unit 300
Atlanta, Georgia 30343**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 5th day of May, 2023.

Clerk of State Court



Annetta D. Stembridge, Clerk
Douglas County, Georgia

**STATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 23SV00478

SMITH, JODY

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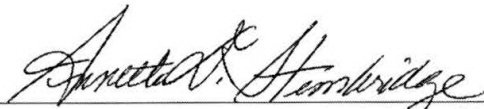
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**Trevor Becton
MORGAN AND MORGAN ATLANTA PLLC
178 S Main Street
Unit 300
Atlanta, Georgia 30343**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 5th day of May, 2023.

Clerk of State Court



Annetta D. Stembridge, Clerk
Douglas County, Georgia